



The Wall in Jerusalem

“Military Conquest by
Architectural Means”

Ray Dolphin

During the night of 31 July, 2003, the Israeli Border Police descended on Nu'man on the southern outskirts of Jerusalem. The Border Police went from house to house in the Palestinian community—little more than a hamlet of 200 persons—and rounded up 19 of the males. Despite the show of force, and the fact that this was the third such incursion in as many months, security was not the main purpose of the operation. Instead, as Palestinians holding West Bank identity cards, the men were charged with illegal entry into Israel. Nu'man is situated inside the Jerusalem municipal borders which Israel expanded and annexed after its conquest of East Jerusalem in 1967, and entry is forbidden to West Bank Palestinians without a special permit.

The men were taken into custody and released some hours later, haven been warned of the consequences if they attempted illegal entry into Israel in the future. The men then returned to Nu'man, so repeating the offence for which they had been detained. Their recidivism was

A painted rope ladder and a car wash sign adorn the wall in Jerusalem.

Source: © Mark Rudd at www.markrudd.com

understandable: they were not ‘illegal residents’ in any normal definition of the term (Palestinians from the West Bank who had recently moved to Nu’mān). On the contrary, they were returning to the village where they had been born and raised, a community founded in the 1930s before the creation of the state of Israel.

The absurd situation in which the residents of Nu’mān found themselves dates back to the June 1967 War when Israel captured the West Bank, including East Jerusalem, which had been under Jordanian control since 1948. By the end of June, the Israeli parliament, the Knesset, had approved the expansion of the existing municipal boundary to include not only the six square kilometres of Jordanian East Jerusalem but an additional 64 square kilometres encompassing 28 Palestinian villages in the surrounding hinterland. These 70 square kilometres were unilaterally and illegally annexed as sovereign territory to Israel: overnight Jerusalem became Israel’s largest city in terms of size and population. The bulk of the territories conquered in 1967, the West Bank and Gaza Strip, were not formally annexed in the same way for fear of the international consequences, and because there was no consensus within the Israeli establishment about their future status. Jerusalem, however, was considered of such political and symbolic value that annexation was worth the cost.

In addition to providing copious reserves of land for future Jewish settlement, annexation brought some 70,000 Palestinians—residents of East Jerusalem and the surrounding villages—within the expanded municipal boundary. Following a census in 1967 these Palestinians were conferred not with Israeli citizenship but with ‘permanent residency’ status. Their blue Jerusalem identity cards granted Jerusalem Palestinians the right to live and move freely within Israel: by contrast, their West Bank and Gaza cousins, with their orange or green identity cards, were adjusting to life under a military regime that continues to this day. For the succeeding decades—until after the Gulf War of 1991, when Israel introduced a permit regime for West Bank and Gaza Palestinians wishing to enter Jerusalem—all Palestinians were able to travel and work inside Israel, as part of a policy of integrating the two economies. Jerusalem Palestinians, however, were entitled to the same social, welfare and health benefits as Israeli citizens. On the other hand, unlike West Bank Palestinians, they had to pay a special municipal tax at the same rates as their Jewish co-residents, while receiving few of the benefits.

These developments in urban Jerusalem had little impact on Nu’mān, idyllically situated on the rural cusp of the Jerusalem and Bethlehem districts. Unlike the residents of the other annexed 27 villages who were granted the blue Jerusalem identity cards, the inhabitants of Nu’mān were mistakenly registered as residents of a nearby village outside the new municipal boundary and thus received West Bank identity cards. As a result, an anomalous situation was created whereby the villagers were West Bank residents subject to Israeli military rule, while their houses and surrounding land came under the Jerusalem legal and administrative system. In the two decades succeeding the occupation, this discrepancy went unnoticed. As long as the municipal boundary remained a line on a map, villagers could cross the



The fields of Nu'man. *Source: B'Tselem*

notional divide between Jerusalem and Bethlehem, and between Israel and the West Bank. Indeed, residents claim that they were unaware that they were living within the Jerusalem municipal boundary until informed by officials from the Ministry of Interior in 1992, and even then the consequence of their 'relocation' was not yet evident. Life went on much as before in the intervening years, with villagers cultivating their olive trees and field crops on land which they owned and leased from landowners in nearby Bethlehem. They continued to tend their sheep as their Bedouin antecedents had done: residents still show visitors the cave where the founding patriarch and his extended clan, together with their flocks, used to winter. Nu'man benefited from the economic improvement of the 1970s and 1980s, the men working in construction in Israel and investing the proceeds into improving the existing houses and building more homes as their families increased. There were no schools or health services in the village, so parents continued to send their children to nearby Umm Tuba, now within the Israeli expanded municipal boundary of Jerusalem.

In other parts of unified Jerusalem substantial change was in progress. Two strategies were adopted: "the first was rapidly to increase the Jewish population in East Jerusalem. The second was to hinder growth of the Arab population and to force Arab residents to make their homes elsewhere."¹

Israelis and Jews from around the world were encouraged to settle in Jerusalem and in the annexed hinterland, enticed by low or interest free mortgages and by low cost

services.² To provide housing and to forestall pressure for a withdrawal to the pre-1967 boundary, a large scale settlement programme was undertaken in East Jerusalem and the surrounding area, primarily on private land expropriated from Palestinian owners. In the haste to assert political sovereignty and demographic dominance, municipal projects originally planned for other areas in Israel were implemented in Jerusalem “irrespective of the topographical or social differences they were designed for.”³ Over the years, 12 settlements were constructed, consuming more than one-third of the 70 square kilometres expropriated from East Jerusalem and the West Bank: it was a policy of “military conquest by architectural means.”⁴ By the end of 2001, nearly 47,000 housing units had been built exclusively for Jews on this expropriated land but not a single housing unit for Palestinians, although the Arab population in East Jerusalem had increased to some 230,000.⁵

The second principle—to hinder the growth of Jerusalem Palestinians and encourage them to leave—was realised through the introduction of a variety of discriminatory administrative measures. The expropriation of large swathes of land for Jewish settlement in itself substantially reduces the area available for Palestinian residential housing in East Jerusalem. More proactively, the authorities “turned urban planning into a tool of the government” by secretly setting strict limits on the numbers of new homes that could be built in Palestinian neighbourhoods.⁶ In 1974, the territory within the expanded municipal boundary was declared a regional planning area and local councils were required to draw up local town planning schemes (TPS), “to define the development of the area, allocate territory in accordance with expected demand and population growth, and to determine infrastructure.”⁷ In the absence of a TPS, it was impossible to obtain a building permit, yet no planning schemes for Arab neighbourhoods were started until 1983, and by 1995 only seven had been approved.⁸

In Jewish neighbourhoods, and especially in the settlements in the eastern part of the city, most planning schemes were granted after a maximum of three years. Here, the TPS maximise population growth through the provision of a high proportion of houses and multi-storey buildings.⁹ By contrast, the TPS for Palestinian neighbourhoods ignore population growth, restricting the residential area allowed for housing in favour of civic buildings—which are rarely built given the paucity of civic funding for Arab neighbourhoods—while only permitting construction in already built-up areas. In particular, little vertical building is allowed on the grounds that “small, low houses suit the rural character of the Palestinian neighbourhoods and the private building that prevails in them.”¹⁰ A strict policy of demolition of houses constructed without the proper permits also reflects this discriminatory policy. Although 55 percent of building violations have occurred in West Jerusalem, 72 percent of house demolitions have taken place in East Jerusalem.¹¹

The result of these restrictions was the migration of many East Jerusalem Palestinians to northern and eastern neighbourhoods of the city outside the municipal boundary. Preferred areas were close enough to allow for continued access to schools, health facilities and employment within official Jerusalem. Case in point is the ar-Ram

neighbourhood strategically located on the main Jerusalem-Ramallah road. Ar-Ram, which should have contained 20,000 residents according to census projections for 2003, had in reality swelled to between 50,000 and 60,000 by most estimates, with the ‘migrants’ making up 60 percent of the burgeoning population.¹² Jerusalem Palestinians who moved to areas such as ar-Ram continued to pay taxes and social security fees to the Israeli authorities and to receive social security benefits, in the process proving that municipal Jerusalem continued to be their ‘centre of life’ and thus retaining their blue Jerusalem identity cards.

There was a further egregious method for restricting Palestinian growth, and one which would have implications for Nu’mān. This was the designation of a large number of ‘green areas’ or open spaces in the TPS of Palestinian neighbourhoods where building is prohibited. In theory, green areas are designed to safeguard the environmental character of a neighbourhood: in practice, the designation is “intended to deprive the Palestinians of the right to build on their land, and to keep these areas in reserve for building earmarked for the Jewish population.”¹³ For decades, Jabal Abu Ghneim, a forested hill next to Nu’mān, was designated a green area, preventing its Palestinian owners from building on its slopes. In 1996, this same green area was bulldozed in preparation for the Jewish settlement of Har Homa, which would form a strategic link in a chain of settlements around the expanded municipal boundary. In addition, the creation of Har Homa also impeded territorial contiguity between Palestinian villages in southern Jerusalem and the Bethlehem area. Earlier, in the early 1990s, 5,000 dunams of land in and surrounding Nu’mān was also designated a green area, prohibiting further construction within the village confines and signalling that its outlying lands—mainly belonging to residents of nearby Beit Sahour—could be expropriated for future settlement construction. Residents were left with no option but to build in any case, resulting in demolition orders being served on four of the village’s 18 houses and the owners fined large sums of money for building ‘illegally’ with the threat of demolition still in force. The injustice is all the more acute in that the settlement of Har Homa—illegal under international law—towers on nearby Jabal Abu Ghneim hilltop.

By now, tolerance of the village’s anomalous status was coming to an end. The imposition in 1991, reinforced in 1993, of restrictions on West Bank Palestinians entering Israel, including East Jerusalem, meant that residents technically needed permits to continue to reside in Nu’mān. Repeated applications to be granted permanent status in Jerusalem were rejected on the grounds that the village had only been inhabited since the 1980s—this despite the fact that construction dates from the 1950s are engraved on village houses and 11 homes are clearly visible in an aerial photograph from 1967 that the Israeli human rights group, B’Tselem, managed to obtain.¹⁴ The Israeli authorities claim that these houses were uninhabited or had been used by the Jordanian army. In 1995, a letter arrived from the municipality prohibiting residents from sending their children to Umm Tuba, which pupils from Nu’mān had been attending since the 1950s, since this school was reserved solely for residents of Jerusalem. Simultaneously, the municipality stopped providing water and sewerage

services to the village: fortunately, the Bethlehem municipality, now under Palestinian Authority control, filled this breach by providing basic services and allowing the children to attend schools in Bethlehem.

With the start of the second Intifada in late 2000, the situation deteriorated further. The roads between Nu'man and Umm Tuba and Sur Baher were blocked by the Israeli military, further isolating the village from Jerusalem. Roads to the West Bank were also periodically blocked and water and telephone services to Bethlehem were continually cut by the Jerusalem authorities on the grounds that the Bethlehem municipality had no business providing services inside Jerusalem. In 2003 the villagers learnt that the route of the wall would pass the village on its southern side. As no gates were planned, Nu'man would be physically separated from Bethlehem. Wall construction coincided with harassment by the Border Police that residents believe was initiated to force them to leave the village. An anonymous individual accompanied by Border Police made frequent visits to the village and through a combinations of threats (water supplies would be permanently cut off and the children unable to go to school in Bethlehem), and financial inducements (including compensation offered for houses built prior to 1992), insisted that they must leave.

“Otherwise,” he threatened them, Nu'man would be cut off from both Jerusalem and Bethlehem, “like a tree without water.” This individual was subsequently identified by *Ha'aretz* as a ‘quasi-independent’ contractor from the Ministry of Construction and Housing, employed to look for potential land for the creation of new settlements in East Jerusalem.¹⁵

A reprieve was earned when lawyers won a temporary injunction preventing the residents’ arrest by the Border Police for residing in Israel illegally. A further injunction has delayed completion of the wall in the area until the legal status of the village is resolved. Regarding their status, residents are prepared to accept either of two alternatives. If the wall route goes ahead as planned and severs them from the West Bank, they wish to have their presence within Jerusalem legalised by being granted the same permanent residency status as other Palestinians in the annexed areas. This would allow them to reside in Nu'man without fear of expulsion and revive their former links to the southern Jerusalem villages of Sur Baher and Umm Tuba. Alternatively, should the Israeli authorities withhold the blue Jerusalem identity cards, they are requesting that the route be altered so that Nu'man is placed on the Bethlehem side of the wall, which effectively has constituted their centre of life for the last decade.

Given the adverse publicity that these residents’ plight is generating in the international media and from human rights groups, why have the Israeli authorities not chosen either option? The granting of Jerusalem identity cards to such a sparsely populated village would have little impact even for an authority obsessed with ‘demographic balance’. The alternative of consigning Nu'man to the ‘West Bank side’ of the wall would not create a precedent: elsewhere, the route of the Jerusalem



Nu'man village is zoned as part of the Jerusalem municipality, but its residents carry West Bank identity cards, making them 'illegal' in their own homes. *Source: B'Tselem*

Envelope 'corrects' the expanded municipal boundary at several points, banishing unwanted high-density Palestinian population centres such as Shufat refugee camp and Kufr Aqab to the West Bank side of the wall.

Evidently, the village—located on “a low hill that invites building”¹⁶—and its thousands of dunams of surrounding land is highly desired by the Israeli authorities. A new bypass road linking Jewish settlements in the eastern Bethlehem district to Jerusalem via Har Homa is already under construction on village lands. In addition, there exist more ambitious building plans for the lands of Nu'man: one of two major cargo terminals planned for the Jerusalem Envelope will be located near Nu'man, and will require extensive land expropriation, the building of access roads and the construction of a Border Police station. The Jerusalem Municipality draft master plan foresees the expansion of Har Homa settlement eastward on the land and property of Nu'man.¹⁷ Other schemes envision the expansion of Har Homa much further to the east, connecting with the large Ma'ale Adumim settlement midway to Jericho through the creation of a chain of interlinking settlements.¹⁸ Clearly, realisation of these plans requires extensive land expropriations to which Nu'man presents an obstacle, and its residents are a nuisance.



Wall blocks in the vicinity of Rachel's Tomb. *Source: ARIJ*

Should existing pressure fail to force the residents to leave Nu'man, there exists yet another weapon in Israel's administrative arsenal which may tip the balance. The Absentee Property Law of 1950 was devised to expropriate the land and property of the hundreds of thousands of Palestinians who were expelled or fled during the 1948 Arab-Israeli war. Their assets were transferred to the 'Custodian of Absentee Property' which turned them over to the hundreds of thousands of Jews immigrants who arrived in Israel in the early years of the state's creation. Although the Absentee Property Law has technically been applicable in East Jerusalem since 1967, the government decided that "to have enforced this law would have been counter-productive both with regard to the Palestinian population and internationally, especially with the world's attention focussed on Israel's actions in the wake of the occupation."¹⁹ West Bank Palestinians with land and property inside the expanded municipal boundary continued to have access to their assets in the succeeding decades, although many required permits to do so from the early 1990s. By summer 2004, however, the completed southern section of the Jerusalem Envelope had 'absented' many West Bank Palestinians from their lands within the Jerusalem municipal area for more than a year, thus providing a new opportunity. A cabinet meeting on 8 July gave "validity of a government decision" to a resolution passed the previous month by the Ministerial Committee for Jerusalem Affairs, to actively invoke the Absentee Property Law in Jerusalem. This decision meant that "in the eyes of the government of Israel, these flesh-and-blood people, who live in Bethlehem or Beit Sahour or Ramallah and have olive groves or houses or land within the municipal boundaries of Jerusalem, do not exist. They are absentees."²⁰



The Bethlehem wall. Source: ARIJ

As a corollary of the decision, the land concerned could be transferred to the Development Authority, a quasi-government body empowered to sell land for settlement construction. The amount of land and property involved was potentially enormous and worth hundreds of millions of dollars. The decision was not made public and did not appear on the official government website that documents such actions, only coming to light through the efforts of Israeli attorney Danny Seidemann, a seasoned campaigner against administrative discrimination in Jerusalem. Seidemann had persistently petitioned the Israeli military to live up to its written assurances to grant access permits to his clients—Bethlehem farmers cut off from the lands by sections of the wall in the southern Jerusalem area. Eventually Seidemann received a letter from the military authorities: “The land no longer

belongs to them, but is being placed in the possession of the Custodian of Absentee Property.”²¹ In the face of international outrage and US displeasure, the government rescinded the decision.²² However, the Absentee Property Law has not been revoked, the decision has “only killed the active use of the law for the time being”, in Seidemann’s words, and could be invoked in the future at a more opportune time.

The attraction of applying the Absentee Property Law to Nu’mān is obvious. Most of the land surrounding the village is carefully cultivated farmland, difficult to declare ‘state land’, as was the fate of much barren and rocky land in the West Bank. The majority is the property of farmers from the Bethlehem area whose access will be restricted following completion of the wall around Nu’mān, when it will be easier to play on their ‘absentee’ status and invoke the law. Under the Absentee Property Law no appeal is possible and no compensation available, a further reason to employ the law in Jerusalem where landowners have more legal redress than in the West Bank. Confiscation of the surrounding land would leave the residents of Nu’mān isolated on their little hilltop, at the same time as the expansion of Har Homa settlement, the construction of the terminal and the settlers bypass road proceeds on the expropriated land. Should they be unable to prove continuous physical presence in the village prior to its capture and annexation in 1967, and the Israeli authorities ‘prove’ that they are recent migrants from Bethlehem and therefore absentees in Jerusalem, their expulsion can also be expedited. In any case, cut off by the wall from Jerusalem and Bethlehem, their basic services gone and livelihood threatened, there is little hope for the future.

“In these circumstances,” B’Tselem warns, “it is likely that, sooner or later, the residents will be left no option but to leave the village.”²³

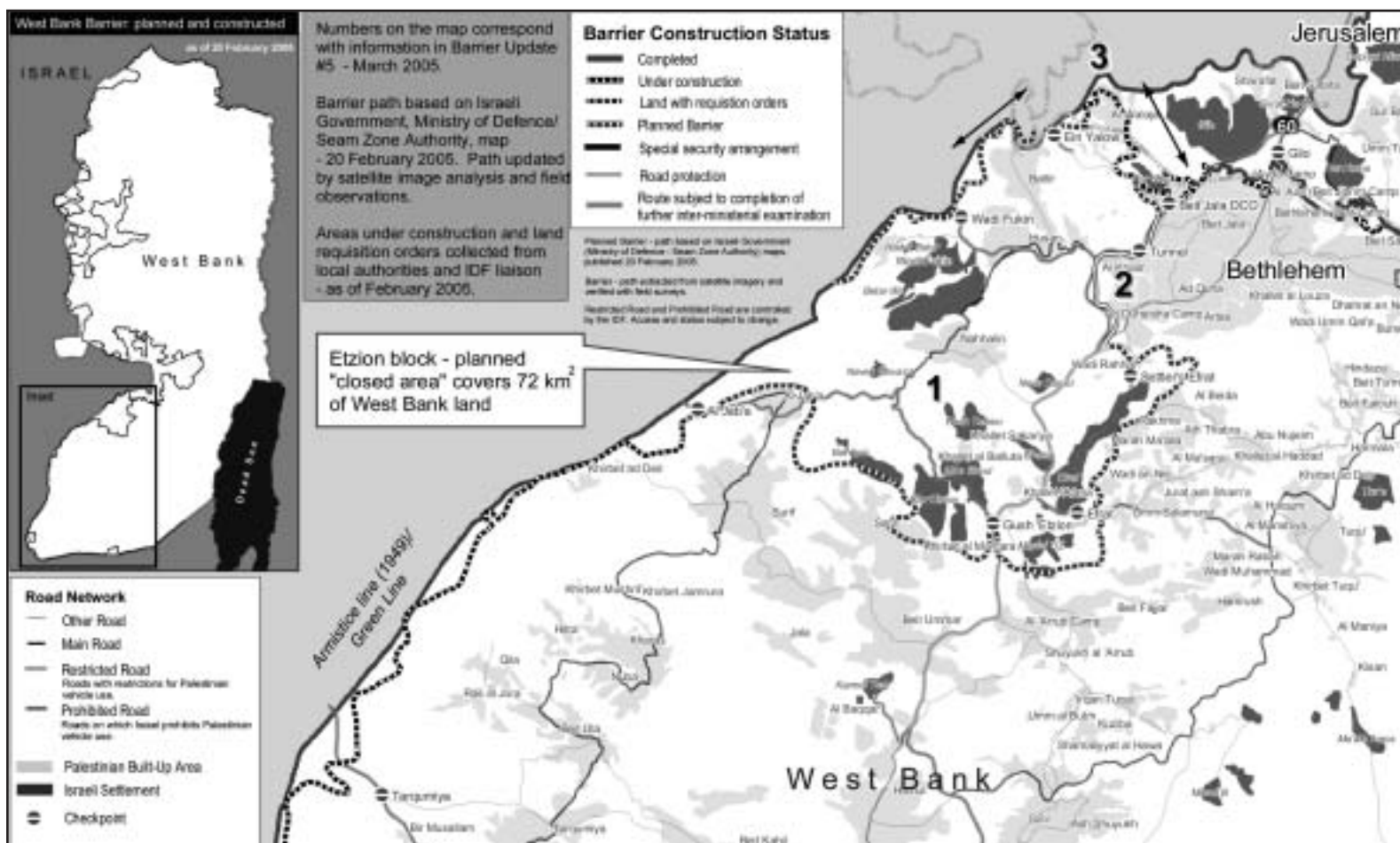
A New Municipal Boundary?

The wall marks the summation of Israel’s policies in Jerusalem since 1967, literally setting in concrete the fruits of decades of annexation and expansion. The route follows the expanded municipal boundary in the main—with the major exception of an enormous eastern detour to encircle Ma’ale Adumim settlement—enclosing on the ‘Israeli side’ all the settlements constructed inside East Jerusalem and its annexed environs since 1967. The 1967 boundary was determined by political and strategic objectives without consideration for the fabric of life of the Palestinian population along its route. Communities linked by traditional social and familial ties found themselves arbitrarily assigned to one side of a line on a map. In the Sawahra area to the east of Jerusalem, for example, West Sawahra and Jabal Mukaber were included inside the new municipal boundary; East Sawahra and Sheikh Sa’ad, on the other hand, remained in the West Bank.²⁴ In practice, the Sawahra area is the home of one extended Bedouin clan scattered over many neighbouring villages. For much of the 1970s and 1980s, this unilateral *diktat* made little difference to the residents’ daily lives, with the Sawahra district developing into a contiguous suburban area on both sides of a notional line which was recognised neither by the locals nor by the international community.

The imposition of restrictions on entry into Israel after 1991 marked the beginning of a demarcation of jurisdiction and privilege based on residency status. Those on the West Bank side of Sawahra now required permits to cross the divide into municipal Jerusalem. This caused considerable bureaucratic and logistic difficulty for those holding West Bank identity cards: the secondary school, main health services and cemetery for Sheikh Sa’ad are located in Jabal Mukaber on the ‘Jerusalem side’ of the wall.²⁵ The restrictions were often absurd: to apply for a permit to enter the city legally, West Bank residents of Sheikh Sa’ad had to enter Jerusalem illegally in order to make the application. In practice, even without a permit it was possible to sneak across what remained an unmarked boundary, especially in times of low tension. The second Intifada added checkpoints and physical obstructions to these administrative obstacles, physically delineating sections of the municipal dividing line for the first time since 1967. In September 2002, the Israeli military blocked the single road connecting Sheikh Sa’ad to Jerusalem, preventing all vehicular access, including the passage of ambulances. Those able-bodied and resourceful enough could still climb over the earth mounds and circumvent the Border Police patrols, in the process risking fines or imprisonment. However, the giant cement wall now cutting a circuitous swathe through the Sawahra area—and the ar-Ram, al-Ezzariya and Abu Dis neighbourhoods—will put an end to these traditional connections, severing families, friends and neighbours.

On completion of the wall, Palestinian residents of Jerusalem, whether holders of Jerusalem or West Bank identity cards, will face similar problems to those their cousins have wrestled with since the completion of the wall in the northern West Bank. Farmers will be cut off from agricultural lands, especially in the Ramallah and Bethlehem hinterlands, and in the Bir Nabala enclave where five villages will be enclosed. Access to health care, schools and workplaces, and to family and friends, will also be impeded, with consequences similar to those detailed in the previous chapter. Access to Israeli health facilities will be a particular problem, given the higher standards of care available in Israeli hospitals, one of the principal reasons that Jerusalem Palestinians are anxious to retain their blue identity cards. Palestinian health care provision will also be affected: many health facilities inside the municipal boundary serve the Palestinian community of the metropolitan Jerusalem area, including the Bethlehem and Ramallah districts. Indeed, many of the most specialised medical facilities, and often the only such facility in the West Bank and Gaza Strip, are located inside municipal Jerusalem. These include St John's Ophthalmic Hospital, Augusta Victoria Hospital (the only facility which provides specialist kidney dialysis and the main referral hospital for refugees in the southern West Bank) and Mukassad Hospital, which provides heart treatment. In turn, nearly 75 percent of the staff of the four main hospitals live outside the city.²⁶ These medical facilities also depend on patients for their economic survival, as do the many private schools that operate inside Jerusalem.

In the rural northern West Bank, the gate and permit regime has already greatly restricted access to Palestinian residents, and there is every indication that the predominantly urban Jerusalem area will present similar, if not greater, difficulties. Reports suggest that 11 transit points for vehicles and pedestrians and two cargo terminals are planned along the length of the Jerusalem Envelope. Although, there has been no official announcement concerning the location and operational regime of these crossing points, access to some will be digitised by means of magnetic cards, and will reportedly involve biometric scanning in the form of a retina scan and fingerprinting. As many as 65,000 commuters could travel in each direction through these transit points daily, including Jerusalem Palestinian identity holders, West Bankers, Israeli citizens, settlers and the large amount of expatriates and foreign employees of international organisations who work in the Jerusalem-Ramallah-Bethlehem triangle. It is unclear how the crossing points will cope with the expected passage of persons and goods, especially in the morning and afternoon rush hours: in ar-Ram alone, an estimated 15,000 pupils commute to schools in East Jerusalem every day. There is little indication that the Israeli authorities have conducted serious planning or allocated resources to deal with this enormous traffic of persons and materials. On the contrary, concerned Israeli commentators have noted the "glaring disparities between the declarations and intentions of senior security establishment officials and planners and the day-to-day reality."²⁷ Despite promises to upgrade the 'level of service' and to reduce friction to a lower degree than what is currently encountered at checkpoints, the experience of Qalandia and Gilo checkpoints—the main northern and southern conduits into Jerusalem, where delays and shutdowns are routine—does not augur well.



South West Bank Barrier, West Bethlehem, taken from map by the United Nations Office for the Coordination of Humanitarian Affairs in the occupied Palestinian territory.

Source: www.ochaopt.org

Central West Bank Barrier, Ramallah and Jerusalem, taken from map by the United Nations Office for the Coordination of Humanitarian Affairs in the occupied Palestinian territory.

Source: www.ochaopt.org

The mechanics of daily crossing is an immediate worry but a more pressing concern for Jerusalem identity holders is the possibility of their losing their permanent resident status. The fear is that sooner or later the Israel authorities will decree that the wall demarcates the new municipal boundary and will cancel the Jerusalem identity cards of those residing on the ‘West Bank side’ of the wall who cannot demonstrate that their ‘centre of life’ is within the new border or inside Israel proper. There is a precedent for this in that the Interior Ministry revoked the permanent residency status of thousands of Palestinians who had moved outside the Jerusalem municipal border between 1996 and 1999, on the grounds that permanent residency status, unlike citizenship, depends on the current domicile of the holder. More than 3,000 residency rights were revoked during the years of this “quiet deportation policy” until the decision was reversed in 2000 and the residency of some of those affected was reinstated.²⁸ By then thousands of Jerusalem Palestinians who had been living outside the municipal boundary had ‘returned’ to Jerusalem for fear of losing their blue identity cards. In Danny Seidemann’s words, “this policy contributed more in improving the demographic statistics in favour of the Palestinians than all the maternity wards in East Jerusalem.”²⁹

The ‘centre of life’ dilemma is most acute for areas such as Kfar Aqab and the Shufat refugee camp, localities included in the expanded municipal boundary of 1967, but now banished to the West Bank by the route of the wall.³⁰ Some 30,000 Jerusalem identity card holders live in these areas: an estimated 55,000 Jerusalem Palestinians in total may reside in localities that fall on the ‘West Bank side’ of the wall. In addition, the situation of the unknown number of West Bank Palestinians residing illegally inside the current municipal boundary, together with the thousands of ‘mixed families’ with spouses and children of different residency status, will become untenable. It can be assumed that the West Bank identity holder who remains on or moves to the ‘Israeli side’ of the wall will run a greater risk of ‘deportation’ due to the increased security at the new crossing points.³¹ The fact that the Israeli authorities have stated that the Jerusalem Envelope, like the wall in general, is a security and not a political border, carries little weight in the face of such fears. The current municipal boundary was established by unilateral fiat and can be altered in the same way in the future, with no concern for the consequences to affected Palestinians.

The phenomenon of Palestinians with Jerusalem identity cards migrating to within the municipal boundary—or to what is widely believed will be the new, wall-demarcated boundary—is one of the first, and unintended, consequences of the wall in Jerusalem: an estimated 1,000 out of 2,300 residents have already left Sheikh Sa’ad.³² Much of the evidence to date is anecdotal: one report quoted “a massive increase in the number of students” seeking to register for the 2004 school year in East Jerusalem.³³ At the same time, security officials reported “a drop of tens of percent in the number of children registered in kindergartens in Palestinian towns near Jerusalem”, as their families moved to East Jerusalem.³⁴

The most immediate impact is a housing shortage for these newcomers, particularly as

restrictive building policies have severely limited available Palestinian housing. There is already evidence of a rise in real estate prices and rents in the relatively affluent Beit Hanina and Shufat neighbourhoods in East Jerusalem. Prospects for low-cost renting are less encouraging: Shufat refugee camp was one such location due to its proximity to the centre of the city but is now cut off from Jerusalem by the route of the wall. One of the few remaining alternatives is the Old City of Jerusalem, but here the population density is already 10 to 20 times greater than in other parts of the city.³⁵ The lack of housing will be matched by a shortfall in physical and service infrastructure in the under-resourced Arab side: 1,300 classrooms are already needed for Palestinian children in East Jerusalem.³⁶ An indication that Israeli officials are belatedly recognising that existing services cannot cope with the influx is the decision to create a 'communal administration' to provide alternative services for those Jerusalem identity card holders living within the municipal areas that fall on the 'West Bank side' of the wall.

The increase in population density and occupancy rate and resultant overcrowding are the first indicators of what many predict will be a decline in the living conditions of the Palestinian population on both sides of the Jerusalem Envelope. Commercial activity has already come to a halt in formerly vibrant business and shopping areas. In ar-Ram, pre-cast concrete sections of wall run down the middle of the main Jerusalem-Ramallah road, cutting off East Jerusalem customers from markets and retail outlets and causing the owners of the defunct establishments to close up shop and join the exodus inside municipal Jerusalem. Giant eight-metre high cement blocks seal off other major suburban commercial centres such as al-Ezzariya and Abu Dis, which as recently as 2001 enjoyed the lowest poverty rates in all of the West Bank. As residents of these neighbourhoods lose their main customer base, Jerusalem Palestinians in turn are losing their access to the cheaper markets and labour and service resources on the 'West Bank side' of the wall, leading to a significant downturn in the quality of life on both sides of the new divide.

In addition to the social and economic consequences, the likelihood is that the wall will create a new political reality and consciousness for Jerusalem Palestinians who have kept largely aloof from the national struggle, in general, and from the second Intifada, in particular.³⁷ In Danny Seidemann's words, Jerusalem Palestinians "have lived ambiguous lives, being 'of' Palestine without being viscerally hostile to Israel." The wall will put an end to this ambiguity and to the possibility "in Jerusalem and a non-violent equilibrium between Israelis and Palestinians."³⁸ Seidemann is not alone among Israeli observers in warning of a radicalisation of East Jerusalem Palestinians as a result of the increased tension generated by the decline in living conditions. In certain worst-case projections, this may lead to a 'Palestinisation' of the East Jerusalem population, resulting in "a heightened sense of Palestinian national identity and view[ing] Jerusalem as the main arena for the national-religious struggle against Israeli rule (including violence and assistance to terrorists)".³⁹ Alarmed at the prospect of the wall leading to a 'demographic boomerang' and to political unrest, influential figures in the military and intelligence services, including National Security Advisor

Giora Eiland, have recommended a radical re-routing of the wall, to exclude most of the Palestinian neighbourhoods in East Jerusalem. However, faced with the prospect of re-dividing the ‘unified city’, the authorities balked: “His [Eiland’s] proposal was rebuffed, for political reasons. The government isn’t ripe for that kind of decision yet, it was said.”⁴⁰

Indeed, it was in connection with the wall around Jerusalem that the government conceded for the first time that there were political, and not just security, considerations in determining the route. In a petition to the High Court, the Council for Peace and Security—a left-leaning group of ex-military and intelligence personnel—had proposed an alternative route for the wall that would have re-divided the city on the basis of existing demographic realities, separating Jews from Arabs rather than ‘unified Jerusalem’ from the West Bank. Opposing the suggestion, the state prosecutor argued that an alternative route that “leaves the Arab residents of East Jerusalem on the other side of the fence also has political significance that cannot be ignored.”⁴¹ It appears that once again political gain—in this case consolidating the expanded municipal boundary—trumped the security advantages of an alternative route that would have included fewer Palestinians on the ‘Israeli side’ of the wall (assuming that such a structure is the best means of security in Jerusalem).

Politically, in the words of the Palestinian Minister of State for Jerusalem Affairs, “without Jerusalem as a shared capital for Palestinians and Israelis, there is no two-state solution.”⁴² Indeed, Abu Mazen’s inability to counter the territorial and political onslaught on East Jerusalem “has emerged as a critical issue used by domestic rivals to attack [him] and undermine the credibility of his methods and agenda.”⁴³ The wall around Jerusalem and the attendant E1 Plan, a massive settlement complex severing geographical continuity between the northern and southern West Bank, thus represent ‘facts on the ground’ which even the most accommodating of negotiators would find impossible to accept, let alone ‘sell’ to the Palestinian public.

The al-Aqsa Mosque and Dome of the Rock will be isolated within the fortified municipal boundary, becoming further off limits to Palestinian Moslems who already face age restrictions in travelling to the Haram al-Sharif for Friday prayers and religious festivals. The Church of the Holy Sepulchre and other Christian sites within the Old City will be similarly enclosed, and the traditional Good Friday and Palm Sunday processions obstructed by the wall through al-Ezzariya. The wall will also totally sever the age-old link between Jerusalem and Bethlehem, in addition to cutting of Bethlehem from its agricultural hinterland. This will have implications in particular for the dwindling numbers of indigenous Palestinian Christians who live predominantly in the Bethlehem area, ten percent of whom have emigrated since the beginning of the second Intifada.⁴⁴

Concern for the future of Christian sites and for the viability of the Palestinian Christian community led to a rare letter of complaint to Prime Minister Sharon by a member of the US Congress, House International Relations Committee Chairman

Henry Hyde, usually considered a staunch supporter of Israel. At the prompting of the Vatican, Hyde protested that the route of the wall “will divide Bethlehem from Jerusalem, which threatens to stifle Christian life by preventing access to holy sites, places of prayer, and the contiguity of the Christian population.”⁴⁵ Similar concerns by the leaders of other Palestinian Christian denominations for their congregations—for example, the Bethlehem Lutheran Church—have led to the wider church organisation’s condemnation of the wall.⁴⁶ Indeed, following the lead of the World Council of Churches, the wall has been a catalyst for many of the US branches of the global Protestant churches—Lutherans, Presbyterians, the Anglican Consultative Council, the United Church of Christ, Methodists—to call for divestment from companies who profit from Israel’s occupation. Despite these protests, the Israeli authorities appear determined on a route designed to consolidate Jewish hegemony over Jerusalem, to the detriment of Muslim and Christian Palestinians. However, as Danny Seidemann warns, “public opinion—including in [the US], in Europe and in Israel itself—will not tolerate the appropriation of Jerusalem in an exclusive way to the Jewish people.”⁴⁷ Changes to Jerusalem come under far more scrutiny than similar unilateral Israeli measures elsewhere in the West Bank. In Seidemann’s words: “We can crush the people in Qalqilia to dust with impunity, and in a post-9/11 world the world will keep silent. But if we do that in Jerusalem, it resonates.”⁴⁸

This article was excerpted from Ray Dolphin’s new book The West Bank Wall: Unmaking Palestine (Pluto Press: 2006). Dolphin has worked for 15 years with humanitarian agencies in the Middle East and the Balkans. Most recently, he compiled reports on the impact of the West Bank wall for UNRWA..

Endnotes

¹ Amir S. Cheshin, Bill Hutman, Avi Melamed: *Separate and Unequal: The Inside Story of Israeli Rule in East Jerusalem* (Boston: Harvard University Press, 1999) 10.

² Michael Dumper, *The Politics of Jerusalem since 1967* (New York: Columbia University Press, 1997) 73. A proposal by Shimon Peres, then Acting Minister of Absorption, which was abandoned as too ambitious, recommended that 80 percent of all new immigrants be directed to Jerusalem. Ibid., footnote 66.

³ Ibid., 111-112.

⁴ Ibid., 114.

⁵ B’Tselem, <http://www.btselem.org/english/Jerusalem/Discriminating_Policy.asp>

Of the 97,000 housing units built in total in Jerusalem between 1967 and the end of 2000, 82 percent were built for Jews. Despite these efforts, by the end of 2003 the Palestinian population had grown by 225 percent compared to a 135 percent rise in the Jewish population, with the ‘demographic balance’ now standing at 67 percent to 33 percent. Apart from the much higher

birth rate and younger population profile of the Palestinians there has been an outflow of Jews, especially secular residents, from the city over the past decades. Etgar Lefkovits, “Percentage of Jews in capital lowest since ‘67’”, *Jerusalem Post*, 2 September 2004.

⁶ Cheshin et al, *Separate and Unequal*, 31.

This was only made public in 1993 following a City Council debate on the zoning plan for the Jerusalem Palestinian neighbourhood of Sur Baher. Seeking an explanation for restrictions in Sur Baher, Council member Sarah Kaminker woke up Mayor Teddy Kollek, who often dozed at council meetings, who admitted that the policy had been in place since 1967. Ibid., 30.

⁷ B’Tselem, *A Policy of Discrimination: Land Expropriation, Planning and Building in East Jerusalem* (Jerusalem, May 1995) 52.

⁸ Guyatt, *The Absence of Peace*, p. 143, footnote 23.

⁹ Ibid., 129-131.

¹⁰ B’Tselem, *A Policy of Discrimination*, 60. B’Tselem contends that “an examination of

municipality document shows that this is only a cloak for political considerations which are irrelevant to planning or sociological logic”, pointing out that “over the past 30 years, the Palestinians have undergone an urbanization process.” As an example of this discrimination, B’Tselem cites the contrasting plans for the Palestinian neighbourhood of Ras al-Amud and for a Jewish settlement in its midst. Plans for the former allow for a building percentage of 50 percent over two storeys while the latter permits 112 percent over four storeys. In general, Palestinian areas are allocated percentages of 10-50 over two storeys, compared to up to 200 percent and 8 storeys in Jewish settlements in East Jerusalem. Ibid., 60, 61. B’Tselem concludes that the TPS for Palestinian neighbourhoods are “not really town planning schemes at all, but ‘demarcation plans’ ... [whose] purpose is to grant legal validity to the prevention of building in most of the area of the Palestinian neighbourhoods.” Ibid., 58.

¹¹ B’Tselem, < <http://www.btselem.org/English/Jerusalem/> >.

¹² Robert Brooks, Rassem Khamaisi, Rami Nasrallah, Rana Abu Ghazaleh, *The Wall of Annexation and Expansion: Its Impact on the Jerusalem Area* (Jerusalem: The International Peace and Cooperation Centre, 2005) 116.

¹³ B’Tselem, *A Policy of Discrimination*, 58, 59. Kollek admitted the real reason for the policy when he disclosed to council member Sarah Kaminker, at a meeting of the municipality’s finance committee, that an area on the edge of the Palestinian neighbourhood of Shufat had been designated a green area “to prevent Arab building [there] until the time was ripe to build a new Jewish neighbourhood.” Ibid., 59, footnote 161. As a result of the planning policy, Kaminker estimates that only 14 percent of the entire area of East Jerusalem that was annexed to Israel in 1967 is earmarked for the development and building of Palestinian residential neighbourhoods. Ibid., 53.

¹⁴ B’Tselem, *Nu ’man, East Jerusalem: Life under Threat of Expulsion, Status Report*, (Jerusalem, September 2003) 8. B’Tselem also obtained photos from 1977 and 1987 showing the growth of the village.

¹⁵ Uzi Benziman, “The hudna came early”, *Ha’aretz*, 19 June 2003.

¹⁶ Meron Rappaport, “Land lords”, *Ha’aretz*, 20 January 2005.

¹⁷ Ibid. “Although the plan does not state explicitly that it will be a Jewish neighbourhood with several

thousand units, it’s obvious to everyone that this is the intention—the eastern continuation of Har Homa.”

¹⁸ Shahar Illan, “Herzog’s Greater Jerusalem”, *Ha’aretz*, 16 February 2005.

¹⁹ Dumper, 43.

²⁰ Rappaport. One of the two ministers responsible for the decision was Natan Sharansky, whose book, *The Case for Democracy*, has been championed by President Bush and Secretary of State Condoleezza Rice, as a catalyst for the spread of democracy through the Arab world.

²¹ Ibid. An accompanying letter from the office of the Custodian of Absentee Property explained: “that their former owners, who are still registered as the owners of said properties, no longer hold any rights to them.”

²² The law was revoked at the urging of Attorney General Menachem Mazuz, who claimed that the decision had been made without his knowledge or consent. However, four months following Mazuz’s decision the landowners concerned had still not received their permits and both the Ministry of Finance and the Ministry for Jerusalem Affairs maintained that his decision did not overrule the original cabinet decision. Meron Rappaport, “Despite ruling by attorney general, Palestinians still denied access to their land, High Court petition charges”, *Ha’aretz*, 11 May 2005.

²³ B’Tselem, *Nu ’man*, 24.

²⁴ In practice the situation is more complex, as illustrated by the situation in Sheikh Sa’ad which is located in the West Bank: “Fifteen houses situated in the northwest corner of the village lie within the jurisdiction of the Jerusalem Municipality. Seven other houses lie partially inside the city’s border and partially in the West Bank.” B’Tselem, *Facing the Abyss: The Isolation of Sheikh Sa’ad Village—Before and After the Separation Barrier, Status Report* (Jerusalem: February 2004) 5.

²⁵ “Crossing the valley on foot takes around forty-five minutes, and only individuals in good physical shape can negotiate the ascent.” B’Tselem, *Sheikh Sa’ad*, 5.

²⁶ Rana Abu Ghazaleh, “The torn Jerusalem fabric”, in Brooks et al, *The Wall of Annexation and Expansion*, 84.

²⁷ Kobi Michael and Amnon Ramon, *A Fence Around Jerusalem* (Jerusalem, The Jerusalem Institute for Israel Studies, 2004) 89.

²⁸ B’Tselem, <http://www.btselem.org/English/Jerusalem/Revocation_of_Residency.asp >

²⁹ Danny Seidemann, “The Separation Barrier and the Abuse of Security”, Foundation for

Middle East Peace, <http://www.fmep.org/analysis/Seidemmann.html>.

³⁰ “Why Israel chose to keep the refugee camp inside the city limits remains a riddle. One theory is that Israel never intended for the camp to remain but rather for residents to be sent elsewhere to live and the camp torn down to make way for Jewish development.” Cheshin et al, *Separate and Unequal*, 130.

³¹ See Gideon Levy, “Twilight zone: partition plan”, *Ha’aretz*, 3 March 2005, for an account of a couple with mixed Jerusalem and West Bank identity cards forced to separate because of the wall. “The two girls will be under joint custody—three nights with Dad, three nights with mom, and every other weekend with one of the parents.”

³² “According to unofficial estimates, some 300 Palestinians with Israeli identity cards are returning to Jerusalem’s municipal area every week.” Nadav Shragai, “Palestinians left outside J’lem fence are moving into capital”, *Ha’aretz*, 16 March 2004.

³³ Yoav Stern, “3,000 Arab students will be forced to cross fence on way to school”, *Ha’aretz*, 1 September 2004.

³⁴ Amir Rappaport, “Jerusalem is in demographic danger”, *Ma’ariv*, 5 August 2004. This migration is ironic given that one of the major reasons for building the wall was to deter West Bank Palestinians from migrating to Israel, for family and economic reasons. Approximately 250,000 Palestinian Arabs are thought to reside in Israel without permits, residing mainly in Israeli Arab communities. “Prime Minister Sharon said yesterday that once the separation fence is completed, the government will act vigorously to expel Palestinians living illegally within Israeli Arab communities... Now it is a very difficult problem because of the absence of a fence. The minute the fence is closed, the activity to remove them will be much more vigorous, and their ability to return will be greatly reduced. Now when they are found and expelled, they come back.” Aluf Benn, “We’ll expel illegal Arabs from Israel”, *Ha’aretz*, 2 April 2004.

³⁵ Nadav Shragai, “New J’lem master plan seeks to curb Old City overcrowding”, *Ha’aretz*, 14 September 2004.

³⁶ Sarah Kreimer, “Testing democracy in Jerusalem”, *Jerusalem Post*, 15 February 2005.

³⁷ Although Jerusalem suffered the most attacks, especially from suicide bombers, than any other Israeli city, with almost 300 killed and 2,000 wounded during the course of the Intifada, the vast majority of the attacks were perpetrated by

Palestinians from outside the city.

³⁸ Daniel Seidemmann, “Why ‘separationism’ won’t work”, *Ha’aretz*, 19 February 2005.

³⁹ Michael and Ramon, *A Fence Around Jerusalem*, 106.

⁴⁰ Nahum Barnea and Shimon Schiffer, “Sticking to the Green Line”, *Yedioth Ahronoth*, 29 July 2004.

⁴¹ Yuval Yoaz, “High Court rejects petition against fence in Jerusalem”, *Ha’aretz*, 22 June 2005.

⁴² Hind Khoury, “Meanwhile, Israel grabs the rest of Jerusalem”, *International Herald Tribune*, 11 August 2005.

⁴³ The International Crisis Group, *The Jerusalem Powder Keg* (Washington, DC: 2 August 2005) 15.

⁴⁴ Office for the Coordination of Humanitarian Affairs (OCHA)/Office of the Special Coordinator for the Peace Process in the Middle East (UNSCO), *Costs of Conflict: The Changing Face of Bethlehem* (December 2004) 18.

⁴⁵ Akiva Eldar, “People and politics: the Pope also wants a letter from Bush”, *Ha’aretz*, 29 April 2004.

⁴⁶ *Reuters*, “US Lutheran Church criticizes Israeli separation fence”, 14 October 2005.

⁴⁷ Seidemmann, “The Separation Barrier and the Abuse of Security.”

⁴⁸ *Ibid.*